

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS RANDALL KENT,

Defendant.

CASE NO. 1:07cr261

HON. ROBERT J. JONKER

**ORDER DISMISSING MOTION TO WITHDRAW AS COUNSEL  
FOR LACK OF JURISDICTION**

The Court sentenced Defendant Kent on June 26, 2008, after Mr. Kent's conviction of Conspiracy to Distribute More Than 100 kilograms of Marijuana. Defendant filed a notice of appeal. On July 29, 2008, Counsel for defendant moved to withdraw his appearance as counsel of record. (Docket #201). Under Sixth Circuit Rule 101(a), trial counsel in criminal cases, whether retained or appointed by the district court, is responsible for the continued representation of the client on appeal until specifically relieved by the appellate court. Accordingly, this Court **DISMISSES** counsel's motion to withdraw as counsel for lack of jurisdiction to rule on the motion.

Appointment of new counsel for Mr. Kent under the CJA is a matter that must first be resolved by the district court. Fed. R. App. 24; 6th Cir. R. 24; 6th Cir. R. 101(d). The motion from Mr. Kent's counsel does reference Mr. Kent's indigency (¶ 19), but Mr. Kent has not yet moved for appointment of CJA counsel and made the required financial disclosures. When he does so, the Court will act promptly on his request. The Court of Appeals may be reluctant to relieve Mr. Kent's present counsel before retention or appointment of new counsel for Mr. Kent. 6th Cir. R. 101(f)(1).

/s/Robert J. Jonker

ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

Dated: August 7, 2008